

REMARKS

Claims 1 – 4 have been canceled and replaced with new claims 5 – 8. Reconsideration of this application in view of the amendments noted is respectfully requested.

In the Office Action, the specification was objected to as lacking a description of the drawings and a detailed description of the invention. Applicant's attorney discussed this issue with the examiner on July 7, 2009. It appears that the examiner may have considered an incomplete copy of the specification. Applicant submits that the specification on file with the USPTO is a complete specification that includes a description of the drawings and a detailed description of the invention.

Accordingly, applicant respectfully requests that the objection to the specification be withdrawn.

Claims 1 – 4 were objected to because the claim structure should be in one sentence form. Claims 1 – 4 were also rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. Claims 1 – 4 were also rejected under 35 U.S.C. 112, second paragraph as failing to define the invention in the manner required.

Applicant has replaced claims 1 – 4 with new claims 5 – 8, respectively. Applicant submits that the new claims are written in proper format and particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant also submits that the claims are enabled by the specification. In this regard, the examiner may have considered an incomplete copy of the specification in issuing the Section 112, first paragraph rejection.

Accordingly, applicant respectfully requests that the objections and Section 112 rejections of claims 1 – 4 be withdrawn.

Claim 3 was rejected under 35 U.S.C. 102(b) as being anticipated by Gillis, Jr. et al. (U.S. Patent No. 3,521,853, hereinafter "Gillis, Jr."). Applicant respectfully traverses this rejection.

Claim 3 has been canceled. New claim 7 generally corresponds to original claim 3.

Gillis Jr. generally discloses a valve stem 18 that slideably moves a throttle plunger 22 in and out of a narrow cylindrical throttling passageway 10. However, Gillis Jr. does not disclose a mechanical set for outflow fine adjustment including moveable claws cooperable with an outflow adjustment needle, as claim 7 requires. The moveable claws of the present invention provide flow regulation in a variable rectangular cross-section. In contrast, the throttle plunger 22 regulates flow through a cylindrical passageway 10 of fixed circular cross-section.

For these reasons, claim 7 is patentable over Gillis, Jr. Therefore, applicant respectfully requests that the Section 102(b) rejection of claim 3 as being anticipated by Gillis, Jr. be withdrawn.

Claims 1, 2, and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Berling (U.S. Patent No. 5,921,082, hereinafter “Berling”) in view of Sallstrom et al. (U.S. Patent No. 5,291,842, hereinafter “Sallstrom”). Applicant respectfully traverses this rejection.

Claims 1, 2, and 4 have been canceled. New claims 5, 6, and 8 generally correspond to original claims 1, 2, and 4.

Berling does not disclose a non-submersible float such as that of the present invention. Instead, Berling discloses a vessel 10 that includes a series of through-holes 58 positioned at the base of the vessel (see column 7, lines 49 – 52). Therefore, the vessel 10 submerses in water and does not remain floating on the surface of a body of water. And Sallstrom fails to remedy this deficiency.

Further, Sallstrom does not disclose a turbine that is driven by ejecting high pressure water stored in a hyperbaric chamber. Instead, Sallstrom discloses injecting high pressure liquid into turf (see Abstract). There is no disclosure in Sallstrom of driving a device with high pressure liquid. And Berling fails to remedy this deficiency.

Furthermore, one of ordinary skill in the art would not have combined the hydraulic aerator for aerating turf of Sallstrom with the hydro-buoyant electric power generating plant of Berling with any reasonable expectation of success. The device of Sallstrom is for the

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maintenance and care of grass while the device of Sallstrom is for generating electric power at a body of water.

For these reasons, claims 5, 6, and 8 are patentable over Berling and Sallstrom. Therefore, applicant respectfully requests that the Section 103(a) rejection of claims 1, 2, and 4 as being unpatentable over Berling in view of Sallstrom be withdrawn.

A Petition For A Two-Month Extension Of Time and a PTO-2038 authorizing payment in the amount of \$490.00 to cover the fee under 37 CFR 1.17(a)(2) are included with this response.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,

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